

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Webb Candy, Inc. and  
Licensed Sports Marketing, LLC,

Court File No. \_\_\_\_\_

Plaintiffs,

**NOTICE OF REMOVAL**

v.

Wal-Mart Stores, Inc.,

Defendant.

---

Defendant Wal-Mart Stores, Inc., ("Wal-Mart") hereby removes this action to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. The facts supporting this removal are as follows:

1. Plaintiffs Webb Candy, Inc. and Licensed Sports Marketing, LLC, brought this action against Wal-Mart, in Hennepin County District Court (the "state court action") by service of a Summons and Complaint on Wal-Mart on July 16, 2009. A copy of the Summons and Complaint are attached as Exhibit A.
2. No further proceedings have occurred in the above-entitled state court action.
3. This Court has jurisdiction over the above-entitled action under 28 U.S.C. § 1332(a) because there is diversity of citizenship and the amount in controversy exceeds \$75,000, exclusive of interests and costs.

4. Plaintiff Webb Candy, Inc. is a Minnesota corporation with its principal places of business at 15197 Boulder Ave., Rosemount, Minnesota 55068. (See Complaint ¶ 1).

5. Plaintiff Licensed Sports Marketing, LLC is a Minnesota company with its principal place of business at 15197 Boulder Ave., Rosemount, Minnesota 55068. (See Complaint ¶ 2). None of Licensed Sports Marketing, LLC's members are citizens of Arkansas.

6. Defendant Wal-Mart is an Arkansas corporation with its principal place of business at 702 SW 8th Street, Bentonville, Arkansas 72716-8611.

7. Accordingly, there is complete diversity of citizenship between Plaintiffs and Defendant.

8. The Complaint seeks actual damages in excess of \$600,000 plus attorneys' fees, costs, and disbursements. (See Complaint ¶¶ 21, 25). Therefore, it is apparent from face of the complaint that the amount in controversy exceeds the jurisdictional amount of \$75,000. Thus, this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).

9. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed with this Court within thirty (30) days after receipt of the Summons and Complaint. Accordingly, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

10. As required by 28 U.S.C. § 1446(d), Wal-Mart is filing by messenger a copy of this Notice of Removal with the Hennepin County District Court. A copy of Defendant's Notice to the State Court is attached hereto as Exhibit B.

11. Also as required by 28 U.S.C. § 1446(d), Wal-Mart will give written notice of this Notice of Removal to Webb Candy, Inc. and Licensed Sports Marketing, LLC by service of the same upon their counsel of record.

Dated: August 5, 2009

s/ Sarah C.S. McLaren

Richard D. Snyder (#191292)  
Sarah C.S. McLaren (#0345878)  
FREDRIKSON & BYRON, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402-1425  
Tel. (612) 492-7000  
Fax (612) 492-7077  
[rsnyder@fredlaw.com](mailto:rsnyder@fredlaw.com)  
[smclaren@fredlaw.com](mailto:smclaren@fredlaw.com)

ATTORNEYS FOR DEFENDANT  
WAL-MART STORES, INC.

4598876\_1.DOC